



The Office of Inspector General

New Employee Required Reading Material

New Employee Required Reading Material

Table of Contents

Title 5. United States Code	3
Office of the Inspector General Mentoring Program	7
Inspector General (IG) Honorary Awards Program	15
Payroll and Benefits	18
Employee Personal Page- EPP	18
WebTA	20
E-OPF	20
OIG Policy Concerning Equal Employment Opportunity	21
OIG Plan for the Prevention of Sexual Harassment	25
The Role of the U.S. Special Counsel	32
Whistleblower Retaliation	53

Title 5. United States Code

SUBCHAPTER III -- POLITICAL ACTIVITIES

§ 7321. Political participation

It is the policy of the Congress that employees should be encouraged to exercise fully, freely and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation.

§ 7322. Definitions

For the purposes of this subchapter-

- (1) "employee" means any individual, other than the President and the Vice President, employed or holding office in
 - (A) an Executive agency other than the General Accounting Office;
 - (B) a position within the competitive service which is not an executive agency; or
 - (C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds; but does not include a member of the uniformed services;
- (2) 'partisan political office' means any office which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization;
- (3) "political contribution"--
 - (A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;
 - (B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;
 - (C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and
 - (D) includes the provision of personal services for any political purpose.

§ 7323. Political activity authorized; prohibitions

- (a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not --
 - (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;
 - (2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is --
 - (A) a member of the same Federal labor organization as defined under section

7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 4. 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));

(B) not a subordinate employee; and

(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971

(2) U.S.C. 441a(a)(4)); or

(3) run for the nomination or as a candidate for election to a partisan political office; or

(4) knowingly solicit or discourage the participation in any political activity of any person who –

(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or

(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.

(b)(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.

(2)(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

(B) The provisions of subparagraph (A) shall apply to-- (i) an employee of—

(I) the Federal Election Commission;

(II) the Federal Bureau of Investigation;

(III) the Secret Service;

(IV) the Central Intelligence Agency;

(V) the National Security Council;

(VI) the National Security Agency;

(VII) the Defense Intelligence Agency;

(VIII) the Merit Systems Protection Board;

(IX) the Office of Special Counsel;

(X) the Office of Criminal Investigation of the Internal Revenue Service;

(XI) the Office of Investigative Programs of the United States Customs Service; or

(XII) the Office of the Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; or

(XIII) the National Geospatial intelligence Agency; or

(ii) a person employed in a position described under section 3132(a)(4) or 5372,

5372a, or 5372b of title 5, United States Code.

(3) No employee of the Criminal Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.

(4) For purposes of this subsection, the term 'active part in political management or in a political campaign' means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

§ 7324. Political activities on duty; prohibition

(a) An employee may not engage in political activity-

(1) while the employee is on duty,

(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;

(3) while wearing a uniform or official insignia identifying the office or position of the employee; or

(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.

(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.

(2) Paragraph (1) applies to an employee--

(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and

(B) who is-

(i) an employee paid from an appropriation for the Executive Office of the President; or

(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws.

§ 7325. Political activity permitted; employees residing in certain municipalities

The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibition in paragraphs (2) and (3) of section 7323(a) and paragraph (2) of section 7323(b) of this title to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when --

- (1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of the voters are employed by the Government of the United States; and
- (2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

§ 7326. Penalties

An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

Office of the Inspector General Mentoring Program

- I. **Purpose:** To establish an OIG Mentoring Program (MP or program) that provides mentoring opportunities to help address the professional growth and development needs of employees. It is also designed to capitalize on the experience, knowledge, and expertise of employees who volunteer to serve, on a one-on-one basis, as mentors to fellow employees. The MP objectives aim to help:
 - A. Identify and enhance individual employee potential;
 - B. Facilitate better communication and inclusiveness among OIG employees through mentoring relationships;
 - C. Support and guide employees in their professional growth and development;
 - D. Enhance mentors' communication and supervisory skills; and
 - E. Support the OIG's succession planning and development of future leaders.
- II. **Authority:**
 - A. [Chapter 41 of Title 5, United States Code](#), and
 - B. [Section 410 of Title 5, Code of Federal Regulations](#).
- III. **Definitions:**
 - A. **Mentor:** A mentor is an experienced employee (i.e., senior expert, team leader, supervisor, or manager) at the GS-13 level and above serving as a consultant or guide to a mentee by sharing their expertise and experience. Mentors may or may not have supervisory responsibilities in their job description.
 - B. **Mentee:** A mentee is an employee who receives the guidance of a mentor in an effort to further their professional growth and development. This individual may be at any grade level within the OIG and may or may not have supervisory responsibilities in their job description.

IV. **Responsibilities:**

A. **Mentoring Program Coordinator:** The OIG Human Resources Officer or designee will be responsible for planning, managing, and evaluating the program. This will include:

1. Administering the MP in accordance with this document;
2. Approving the participation of mentors and mentees who have received approval from their supervisors.
3. Reviewing draft Individual Development Plans (IDP) for mentees who are required to participate in the mentoring program and the professional development portion of IDPs for other mentees participating in the MP, in order to ensure compliance with the requirements of a development plan;
4. Serving as a liaison between the MP participants and supervisors and/or managers of mentees and mentors on matters that include, but are not limited to, documentation and participation requirements, training, development of IDPs or mentoring portions of IDPs, and development of related competencies;
5. Providing advice on any issues that may arise between supervisors and program participants regarding duty hours spent on MP activities;
6. Certifying that mentees have completed the MP after mentors inform the Coordinator that the MP activities have been successfully completed; and
7. Evaluating the MP as a whole at the end of each program year to determine its effectiveness in helping mentees accomplish their goals;

B. **Supervisors and Managers:** The immediate supervisors and managers of MP participants are responsible for:

1. Approving employee participation as a mentor or mentee;
2. Approving the employee's IDP per existing OIG policies and practices;
3. Approving IDP activities outside of the mentee's standard work responsibilities;
4. Coordinating resource training from the divisional training programs.

5. Informing the MP Coordinator of any issues that may arise regarding duty hours spent on MP activities, and participating in discussions with the Program Coordinator and others as may be appropriate in an effort to flexibly resolve same; and
6. Encouraging and supporting mentors and mentees during their involvement in the MP, consistent with their other work obligations.

C. **Mentors:** An effective mentor can help an employee professionally grow in their career by providing valuable guidance, advice, and knowledge. At the same time, the mentor can refine their coaching and advocacy skills. With the skills and experience of the mentors as a model, mentees will be better able to identify developmental needs and aspirations and build them into their career development goals. Mentors should be reasonably accessible to meet with and counsel their mentees on an ongoing basis, subject to the time commitments set forth in Part IV.J. below, and are specifically responsible for:

1. Assisting mentees in identifying potential IDP opportunities;
2. Consulting with mentees on how to meet their career development goals;
3. Establishing and enhancing the mentoring relationship by taking the initiative to discuss appropriate issues with the mentee in an effort to help the mentee accomplish their goals. Mentors should not disclose discussions within the mentoring relationship to non-management OIG employees or persons outside the OIG without the mentees' consent. In addition, mentors should not disclose such discussions to OIG management employees unless the mentor reasonably believes disclosure is necessary for legitimate business reasons, or the mentee consents;
4. Obtaining supervisory approval for time needed to participate in MP activities;
5. Promptly informing the MP Coordinator of any conflicts that may affect the mentoring relationship or prevent the mentee from accomplishing their goals; and

D. **Mentees:** Mentees are responsible for:

1. Identifying career development goals for the MP;
2. Assisting in the development of an IDP capturing the mentees' goals for their participation in the MP;

3. Working toward accomplishing identified goals for their participation in the MP;
4. Taking initiative to seek their mentors' advice and guidance by discussing appropriate issues;
5. Obtaining supervisory approval for official time needed for MP activities;
6. Promptly informing the MP coordinator of any conflicts that may affect the mentoring relationship or prevent the mentee from accomplishing their goals; and
7. Informing Office of Human Resources (OIG OHR) via e-mail, upon completion of MP activities, such as training on the mentoring program, training prescribed in the IDP such as training concerning professional development, and other MP activities.

V. Professional growth and development of employees:

- A. Each mentee will work with their mentor to identify training and other activities to be included on the mentee's IDP concerning professional development.
- B. As deemed appropriate, the OIG will provide professional development training designed to:
 1. Strengthen the mentoring relationship, and
 2. Help enhance communications and coaching throughout the OIG.
- C. Pathways Program mentees and their mentors will receive additional training and guidance on the Pathways Program and related topics as deemed appropriate by the MP Coordinator. This training may include, but is not limited to, topics such as communications, coaching skills, mentoring, goal setting, professional etiquette and behavior, networking, professional meetings/seminars, and professional career growth. In consultation with the Divisions and the Diversity Committee, the MP Coordinator and OIG OHR will determine specific training activities according to the needs of the MP participants and the OIG as a whole.
- D. Other opportunities for the mentee to develop their professional growth when appropriate and approved by the mentee's supervisor and the MP Coordinator include:

1. **Shadowing Experiences:** Learning from the experiences and activities of others in senior or supervisory positions can be a very effective learning technique. Therefore, “shadowing” others in senior or supervisory positions may be appropriate for mentees to include in their IDPs.
2. **Self-Study:** Since the MP is designed to enhance professional growth and development, mentees can often best fulfill many of the IDP goals related to professional development through self-study, independent reading, participation in professional organizations, and other activities during non-duty hours.
3. **Special Assignments:** Brief exposure to duties beyond the scope of the mentee’s job description that may be appropriate for inclusion in their IDPs.

E. Eligibility: Any OIG employee who meets the basic requirements outlined below is eligible to be a mentor or a mentee. Except as set forth in Part V.F.2. below, participation in the MP is voluntary. All participants should have a sincere desire to learn from the program, be committed to devoting time and effort to the program, and take the initiative to develop successful mentoring relationships.

F. Requirements:

1. **Mentor:** Experienced employees (e.g., senior experts, team leaders, supervisors, or managers) at the GS-13 level and above who want to volunteer as mentors and have sufficient time to meet with and counsel their mentees on an ongoing basis (typically at least 2 hours per mentee per month) and who possess the following qualities:
 - a. Strong communication skills, including the ability to provide honest and constructive feedback concerning career issues that could affect professional development;
 - b. The ability to appreciate employee differences (such as different strengths, values, goals); and
 - c. A positive attitude.
2. **Mentee:** All Pathways OIG Interns, Recent Graduates, and Presidential Management Fellows appointed under the Pathways Programs are required to participate in the OIG Mentoring Program and will be assigned a mentor. All other OIG employees who wish to be a mentee are eligible to participate in the MP, if they meet the requirements for

participation and are approved for participation as set forth herein and have:

- a. A strong desire for self-improvement; and
- b. The ability to accept and consider constructive feedback concerning career issues that could affect professional growth and development.

G. Selection of Mentoring Participants:

1. **MP Announcement:** The OIG OHR will issue an Opportunity Announcement for the MP. Every effort will be made to solicit OIG staff to volunteer as mentors in order to accommodate all of the prospective mentees wishing to participate in the MP.
2. **Application Requirements:** Applications for mentors and mentees must include the following information:
 - a. **Mentor:**
 - i. Goals and objectives for participating in the MP; and
 - ii. Experience the prospective mentor will bring to the mentoring relationship.
 - b. **Mentee:**
 - i. Goals and objectives for participating in the MP;
 - ii. Career challenges; and
 - iii. The type of experience or other characteristics desired in a mentor.

H. Selection of MP Participants:

1. **Mentors:** The participation of mentors in the MP is subject to the approval of their supervisors. Mentees' preferences for mentors will help determine who will be selected by the committee to serve as mentors with particular mentees, but shall not be binding on the matching process. Non-selection for a mentoring assignment or assignment to a particular mentee is not grievable.
2. **Mentee:** The OIG Diversity Committee, comprising representatives from the Divisions throughout the OIG, will work with the MP Coordinator to

assign a mentor to each mentee. Non-selection as a mentee or assignment to a particular mentor is not grievable.

I. Mentor Matches:

1. From the application, the mentee will identify their first, second, and third choice for a mentor.
2. The OIG Diversity committee will review the mentee's choices and make the final decision on matches based on the mentee's preferences and the mentor's availability.
3. Mentors will be outside of the chain of command of the mentee. Mentors and mentees may not necessarily be from the same OIG location; therefore, some mentoring relationships may occasionally occur through non-face-to-face means (e.g., telephone, e-mail, fax, video teleconference).
4. If a mentor or mentee does not find the match acceptable, either party may request a change through the Diversity Committee, which will try to make another match to accommodate specific concerns as may be appropriate.

J. Program Commitments:

1. Each mentoring relationship will be established under this program for a 1-year period.
2. Specific time requirements for participation in the MP will depend on the needs and interests of the mentor and mentee; therefore, the way in which each mentoring relationship develops may vary, as will the time commitment involved, both within each individual relationship and as compared between different relationships.
3. As previously noted, mentors and mentees should meet and consult on an ongoing basis. It is anticipated that mentors and mentees will spend a approximately 2 hours per month on their participation in the MP.
4. All time commitments outside of the mentor's or mentee's ordinary work responsibilities must be coordinated with and approved by the mentor's or mentee's immediate supervisor. In addition, group activities for mentees and/or mentors may be organized by OIG OHR (e.g., kick-off meeting, group training).

5. Mentoring relationships may be terminated at any time, by either the mentor or mentee, with written notification to the MP Coordinator. The notification must include an explanation of why the relationship is being terminated.

Inspector General (IG) Honorary Awards Program

The IG Honorary Awards Program is the OIG's exclusive non-monetary honorary recognition program which provides an important way to recognize individuals and team accomplishments and contributions in support of the OIG's mission, strategic goals, and values. This program provides multiple opportunities to be recognized for exemplary services by their managers and supervisors. There are two main categories of awards, Exceptional Service (the highest honor) and Distinguished Service and several Specialty categories of awards, including a new category – Mentor Award. The Assistant Inspector Generals (AIGs) may nominate up to 20 percent of staff for recognition at the IG Awards Ceremony for their significant achievement during the rating period. All other awards are not included in the 20%, unless it is a team award.

Main Categories

Distinguished Service Award: AIGs may nominate outstanding employees for Distinguished Service Awards for recognition at the IG Awards Ceremony. Only 20% of the employees within your division can be nominated for this award.

Exceptional Service Award (highest honor): Of the 20 percent of staff that may be nominated for recognition, all Divisions may nominate up to three of their employees for recognition, whose performance during the rating period demonstrated exceptional achievements.

Employees receiving an excellent rating may be considered for Distinguished Service Awards, based on a body of work or particularly notable contributions on a specific review or matter.

Specialty Categories

Allen J. Vander-Staay Distinguished Service Award: This award is distinguished as a career service award, where nominees must have a minimum of 20 years federal service.

Creative Leadership Award. This award is for supervisors and managers who have played a unique role in fostering creativity and innovation with a tangible outcome that solved a difficult problem. In addition to being creative and innovative themselves, they support and encourage their employees to think outside the box and become creative problem solvers.

Collaboration Award: This award is designed to recognize an individual from outside of OIG, whose sustained contribution to the OIG assisted an OIG individual or organization to successfully perform its work and meet the mission of the OIG. This award may be presented to another employee of the Department, an employee of another Federal agency, or a non-Federal person. AIGs are invited to recommend to the IG any candidates that they feel deserve consideration for this honor

Early Career Achievement Award: This award is designed to recognize an employee's significant accomplishments during the individual's early career. Achievements recognized are ones that yield high-quality results or substantial improvement and the employee is perceived as outstanding or

significant by peers. The nominated employee must be within 5 years of service with the OIG to qualify. ***Employees in the Pathways Program are ineligible for this award and must be nominated for their achievements under the Pathways Intern Award.***

Diversity and Inclusion Award: This award is designed to recognize an employee who made significant contributions to the Diversity and Inclusion Program, or who made significant efforts at promoting and fostering diversity and inclusion within their own organization or throughout the OIG. AIGs are invited to recommend to the IG any candidates that they feel deserve consideration for this honor.

Exceptional Administrative Achievement Award: This award is designed to recognize individuals in support positions (Administrative Officers, administrative support, etc.) for unusual impact on operations and programs through their exceptional performance.

Fraud Prevention Award: This award is in recognition of a report, PRR, Audit MIM, etc. that will directly aid in the prevention of fraud in a DOJ program.

Honor Award: This award is designed to recognize the assistance or sustained contribution by an employee of one OIG component in the work of another OIG component, or the assistance to another OIG component's ability to successfully perform its work. AIGs are invited to recommend to the IG any candidates that they feel deserve consideration for this honor.

Innovator Award: This award is for efforts made by a non-supervisory employee or team of non-supervisory employees to create something new, improve an existing technology or process, or adapt a tried and true idea to a new context. This award showcases innovative behavior.

Mentor Award: This award recognizes an employee who seeks to enhance the professional development of others through a steadfast commitment to mentorship. This person has established a strong mentoring relationship and has offered various types of engagement (i.e. meetings, job shadowing, networking opportunities, special assignments, etc.) to mentee(s) to foster their professional growth. This person may also serve as a trusted advisor who offers constructive feedback to facilitate professional development and assist mentee's in realizing their career aspirations.

Pathways Intern Award: This award is designed to recognize employees in the Pathways Program for exceptional performance or contributions.

Outstanding Leadership Award: This award is designed to recognize a supervisor or manager whose successful team efforts, contributions, and demonstrated commitment to the OIG's core mission, is seen in their unique leadership; exceptional leadership skills; ability to create a positive and motivated work environment; encouraging professional development; demonstrating fairness and equity in resolving issues. ***The supervisor or manager must have been in their position for the 2016 rating period.***

William “Buddy” Sentner III Award for Exceptional Dedication to Duty: This award is designed to recognize the exceptional dedication by an OIG employee. AIGs are invited to recommend to the IG any candidates that they feel deserve consideration for this honor.

STEP 1

AIGs must supply two write-ups for these honorary awards with citations that capture the special significance of the achievements; one is for the program booklet and the other for the Deputy Inspector General (DIG)’s oral recitation. Citations for the Awards program booklet should be written as they should appear, should the IG approves the nomination (see attached). Citations for all awards except for Allen J. Vander-Staay and the William “Buddy” Sentner III are limited to 765 characters, which is approximately three (3) sentences. The Vander-Staay and Sentner Award citations are limited to 1530 characters, which are approximately six (6) sentences. The citations for the DIG’s oral recitation are limited to 255 characters, which is exactly one sentence. All citations must be written in a manner that describes why the employee is being recognized. Disputed monetary findings should not be included in any write-ups.

All nominations must be submitted using the [Honorary Award Recommendation Form](#). Guidance is provided in the form. The AIG will receive an alert email once a nomination is submitted. As the approver, the AIG is only required to click on the approve or reject button. No further changes can be made. The form will have to be returned for any additional action. The submitter can make changes, if requested for resubmission, or conduct no further action. Consistent naming conventions for all write-ups must be used when submitting nominations. This includes names of recipients, position occupied and organizational titles. The organizational titles may be used where they differ from the formal job classification.

Upon confirmation from the IG, DIG, or designee, the AIG may notify the award winners in his/her division. The IG will follow up with congratulatory emails and an invite to attend the IG Awards Ceremony. All honorary award winners will be presented with an award device at the Awards Ceremony.

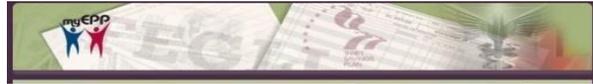
STEP 2. OHR & OGC TECHNICAL REVIEW AND REFERRAL TO IG

OHR will review the award nominations and consult with the AIGs to resolve any eligibility or technical issues prior to referring the nominations to the IG for his review and final selections. OGC will review the award nominations for legal compliance and for ensuring that we are not providing awards and information about reviews, investigations, or evaluations that have not been completed prior to the awards ceremony.

STEP 3. IG APPROVAL AND AUTHORIZATION OF AWARDS

The IG will select the Honorary Award recipients from among the nominations submitted by the AIGs.

DOJ Is An Equal Opportunity Employer



Payroll and Benefits

Employee Personal Page- EPP

Quick Reference Guide

The Employee Personal Page (EPP) allows employees serviced by the National Finance Center (NFC) to view their payroll, leave, health and life insurance, Wage and Tax Statement, and other personal information. EPP also allows employees (whose Agency participates) to use Employee Self Service (ESS), a self-service feature, to request updates to specific payroll information. Employees can access EPP from any computer at <https://www.nfc.usda.gov/personal>.

This Quick Reference Guide provides instructions for new and current employees on the EPP user identification (ID) and password process.

Are you a new employee accessing the Employee Personal Page (EPP) for the first time?

<p>If you received a “Welcome to EPP” email at your Agency work email address with a temporary password and instructions for accessing EPP, then your Agency has already established you in EPP.</p>	<p>If you did not receive a “Welcome to EPP” email at your Agency work email address, but do have a valid work email address (i.e., john.doe@usda.gov), then you need to complete the signup process in EPP.</p>
<p>Log in using the steps below.</p> <ol style="list-style-type: none">1. Access EPP at https://www.nfc.usda.gov/personal.2. Enter your Social Security number (SSN) and temporary password. You will be prompted to enter a new user ID and password. <p>Optional Step: At this point you can establish an EPP work email address and two additional alternate email addresses. Note: The EPP work email</p>	<p>Log in using the steps below.</p> <ol style="list-style-type: none">1. Access EPP at https://www.nfc.usda.gov/personal.2. Click the New User Signup link located under the login fields.3. Enter your SSN and date of birth (DOB).4. Establish an EPP work email address Note: The EPP work email address should be a <u>valid</u> work email address on file for your Agency. <p>Enter the EPP work email address,</p>

address should be a valid work email address on file for your Agency.
Enter the EPP work email address and the alternate email addresses in the Additional 1 E-mail and Additional 2 E-mail fields respectively. Note: The alternate email addresses may be your personal email account addresses.

3. Answer the six security questions provided. Your entered information is displayed.

4. Review your security questions responses and click Continue. You are now logged into your EPP.

5. Click **Continue**. You will receive a message that your temporary password was emailed to you. **Note:** The temporary password email will be sent to your EPP work email address. Follow the instructions provided in the email.

Did not Receive Your Temporary Password?

1. Access EPP at <https://www.nfc.usda.gov/personal>.
2. Click the **Forgot Your Password** link located below the log in fields.
3. Click **Request Password by E-mail**.
4. Enter your EPP user ID and DOB and click **Continue**.

“You requested a password by e-mail within the last 7 days. It normally arrives by the next business day. Are you sure you want to request another password?”

5. Click *No* to cancel this request if you do not want to proceed.

Or

6. Click **Yes** to send me another password to proceed.
7. Correctly answer two security questions.
8. Click **Continue**.
9. Select your EPP Work E-mail Address or **Add/Change EPP Work E-mail** address and click **Continue**. You will receive a message that your temporary password was emailed to you.

Note: If you still do not receive the temporary password, you should contact your SPO to resolve the issue.

WebTA

WebTA is the web-based time and attendance application that the Department intends to implement with an interface to our payroll/personnel service provider, the National Finance Center (NFC).

WebTA allows employees or timekeepers to enter and validate the bi-weekly time and attendance data regarding hours worked and leave taken by accessing a secure website. For employees entering their own data, webTA also contains a Leave and Premium Pay module which allows employees to request leave and various premium pays (overtime and compensatory time, for example) electronically. Managers certify all time and attendance records, and approve leave and premium pay requests, online prior to the payroll deadline. The approved records are then transmitted by an automatic 'build' process to the NFC for salary processing, and the record rolls to the next pay period. There is no timekeeper transmission process with the webTA application.

For more information about webTA go to [DOJnet](#):

<https://dojnet.doj.gov/jmd/fs/sarg/webta.php>

E-OPF

OIG is pleased to announce that beginning today; OIG's Official Personnel Folders are available online for employees to access via the electronic Official Personnel Folder (eOPF) application. eOPF provides electronic, web-enabled access for federal employees to view and manage employment documents.

Accessing your eOPF is simple and convenient, and no longer requires an appointment with our HR servicing office. To access your eOPF, you need an eOPF ID and password, which may be retrieved using the eOPF Self Service feature. You can access the step-by-step log in eOPF ID and password instructions on the OIGnet under *Human Resources, Employment, eOPF*. Ensure the privacy of your personal information by keeping your User ID and password in a secure location. Should you forget or lose your password, request a new one from the eOPF logon window, and it will be sent to your email account.

For more information about eOPF go to OIG Portal : A New Way of Doing Business

<http://portal.oig.doj.gov/mp/mp/OHROPS/OHRCS/SitePages/eOPF.aspx>

OIG Policy Concerning Equal Employment Opportunity

The purpose of this statement is to set forth-the Office of the Inspector Generals' {OIG's) policy against discrimination by its employees and to provide guidance as to what behavior is unacceptable.

Policy:

It is the policy of the OIG to maintain a working environment free of discrimination based on a person's race, color, national origin, sex, religion, age, mental or physical handicap, or sexual orientation. Employment decisions, whether concerning hiring, promotion, demotion, termination, training, transfer, assignment, benefits or other working conditions shall be based solely on merit, and shall not be based on factors unrelated to merit.

This policy imposes an obligation on each employee to be aware of and responsible for his or her behavior and for each manager to be aware of, and take immediate action to stop improper behavior by his or her staff. The OIG will not tolerate discriminatory behavior by its employees against fellow employees or applicants for employment, and will take disciplinary action when such behavior is substantiate. Any employee found to have committed a discriminatory act will be subject to the full range of disciplinary measures, up to and including removal. Further, any supervisor who knowingly allows discriminatory conduct to occur, or should know that acts constituting a hostile environment have occurred, will be subjected to disciplinary action.

Employees and managers should be aware that, in certain circumstances, they can be held personally liable by courts for proven cases of discrimination.

Further, just as the underlying discriminatory act will be the basis for disciplinary action, anyone retaliating against an employee who reports instance (s) of alleged discrimination, seeks resolution of alleged discriminatory behavior, files a complaint, or participates in an inquiry regarding a complaint, will also be subject to discipline.

Definitions:

Discriminatory Act:

A discriminatory act is any action taken with the intent or consequence of affecting a person's, promotion, demotion, termination, training, transfer, assignment, benefits, or other working conditions based on one's race, color, national origin, sex, religion, age, mental or physical handicap, or sexual orientation. Similarly, any adverse employment action taken on as a result of an employee reporting alleged discriminatory behavior, seeking counseling, filing a complaint, or otherwise participating in a complaint process constitutes discrimination. Discriminatory acts can be oral, written, or physical.

A pattern of discriminatory acts can create a "hostile, intimidating, or offensive work environment." Examples of conduct that create a hostile environment include repeated negative comments or slurs based on group stereotypes (whether the comments are based on sex, race, color, national origin, religion, or age); jokes based on gender, race, sex, religion, whether or not told in the presence of the offended employee; inflammatory and patently-or other pictorials in provocative dress and/or position; offensive comments, including racial epithets, displays of individuals in calendars treating co-employees in a dissimilar fashion based on one's race, sex, religion, etc., such as cooperating or working with male employees but not female employees; and for other behavior of a demeaning nature.

While isolated instances of discriminatory behavior do not in most circumstances, create an intimidating or hostile environment, such conduct may still constitute discrimination. Aggrieved employees, however, should not conclude that any particular number of arguably discriminatory acts will establish a claim of hostile environment. On the other hand, employees engaging in discriminatory behavior should understand that they can be disciplined for even one isolated act of harassment.

Sexual Harassment:

Sexual harassment is a form of discrimination. Unlike other forms of discrimination, sexual harassment can lead to submissive behavior based on threatening or coercive behavior, and therefore warrants specific attention. Unwelcome sexual advances, requests for sexual favors, and other oral, written, or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of employment; (2) submission to or rejection to

such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct as the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 29 CFR §1604.11. Unwelcome conduct is conduct that is not solicited or incited, and is undesired or offensive. Sexual harassment generally occurs in two forms; "quid pro quo" sexual harassment and the creation of a hostile, intimidating or abusive environment. An

individual engages in "quid pro quo" sexual harassment when he or she demands sexual favors in return for an employee or applicant obtaining or retaining one's position, promotion, award, transfer, or other employment benefit. Threatening or implying that an employee's cooperation in sexual favors will have an effect on his or her employment status or benefits also constitutes harassment. Further, denying a promotion or other employment benefit to a qualified employee, or terminating an employee because of rejection of demands for sexual favors, constitutes sexual harassment

An individual creates an intimidating, hostile or abusive environment when he or she subjects another employee to continual or repeated continual sexual comments and/or a combination of unwelcome oral and/or written comments, physical acts, displays of sexual literature, and other behaviors of a sexual nature.

While “quid pro quo” sexual harassment generally occurs when the alleged aggressor is a supervisor and/or holds a position of authority capable of affecting the employee’s status, hostile environment may be caused by a supervisor and/or fellow employee (s).

Each supervisor is responsible for:

1. communicating this policy to all employees under his or her supervision, and ensuring that his or her own behavior is a positive example for others
2. addressing an employee's conduct and compliance with this policy, where appropriate, as an element of the employee's performance rating
3. making themselves accessible to receive complaints of discriminatory behavior in a fair and impartial manner and
4. reporting any allegation of discriminatory conduct to appropriate OIG management

All OIG employees are responsible for being familiar with and acting in compliance with, the policies and obligations set forth herein.

An aggrieved employee cannot assume that OIG supervisors or managers are aware of instances of discriminatory behavior by others. If unwelcome conduct is not brought to the attention of an OIG supervisor, aggrieved employee should understand that it will be difficult to stop such behavior from being repeated. In addition, failure to report allegations of discriminatory behavior in a timely manner may bar future administrative and/or judicial action or remedies sought by the employee.

OIG Plan for the Prevention of Sexual Harassment

February 9, 2006

MEMORANDUM FOR ALL OIG EMPLOYEES

FROM: GLENN A. FINE
INSPECTOR GENERAL

SUBJECT: OIG Plan for the Prevention of Sexual Harassment

I recently approved a new Plan for the Prevention of Sexual Harassment for the Office of the Inspector General (OIG) that replaces the plan adopted in June 2000. The Plan defines sexual harassment, sets out the responsibilities of employees in preventing sexual harassment, establishes a training requirement, and describes the procedures for reporting and handling complaints and for imposing discipline where necessary.

As you know, discrimination of any kind is unacceptable and contrary to the culture of professionalism that we work hard to achieve in the OIG. In addition, such misconduct is prohibited by Title VII of the Civil Rights Act, violates the employee standards of conduct, and should not be tolerated.

The new Plan for the Prevention of Sexual Harassment has been posted to the OIG intranet. I encourage all employees to review this Plan and to contact the Office of General Counsel with any questions.

OFFICE OF THE INSPECTOR GENERAL
PLAN FOR THE PREVENTION OF SEXUAL HARASSMENT

In accordance with Department of Justice policy, the following is the Office of Inspector General's Plan for the Prevention of Sexual Harassment.

I. DEFINITIONS

Sexual Harassment.

A. Sexual harassment occurs when employment decisions affecting an employee, such as hiring, firing, promotions, awards, transfers, or disciplinary actions, are the result of submission to or rejection of unwelcome sexual conduct. Sexual harassment can also be any activity which creates an intimidating, hostile, or offensive work environment for members of one sex, whether such activity is carried out by a supervisor, a co-worker, or a non-employee. This could include such workplace conduct as displaying "pinup" calendars or sexually demeaning pictures, telling sexually oriented jokes, making sexually offensive remarks, engaging in unwanted sexual teasing, subjecting an employee to pressure for dates, sexual advances, or unwelcome touching.

B. Managerial Employees

Managerial Employees include the Inspector General (IG), Deputy IG, Assistant IGs, Deputies, Directors, Assistant Directors, Regional Audit Managers (RAMs), Assistant RAMs, Special Agents in Charge (SACs), Assistant SACs, Senior Special Agents (SSAs), General Counsel, and any other employee designated by any Assistant IG.

C. Non-managerial Employees

Non-managerial Employees include all employees who are not Managerial Employees.

D. Non-employees

Non-employees include all individuals who are not employed by the OIG.

II. ACCOUNTABILITY

A. Selection of Managerial Employees.

All vacancy announcements for managerial positions will specify that applicants will be required to perform in accordance with equal employment opportunity (EEO) principles.

B. Assessment of Managerial Employees' Performance

The performance workplans for all managerial employees shall include a mandatory element to assess performance of EEO responsibilities. Rating officials must provide narrative comments citing any failure to perform these responsibilities in an acceptable manner and are encouraged to record accomplishments. In the context of sexual harassment, poor performance includes (but is not limited to) failing to respond appropriately to a sexual harassment complaint, and allowing or fostering a hostile or intimidating work environment. Managerial employees with poor performance of these responsibilities will be provided additional training and counseling by their supervisors, in consultation with the Office of Human Resources (OHR). Managerial employees will be disciplined for repeated and/or egregious failures to handle issues of sexual harassment appropriately and may be restricted from consideration for promotions and/or awards.

C. Assessment of Non-managerial Employees' Performance

The performance workplans for all non-managerial employees shall require that employees demonstrate awareness of and sensitivity to EEO issues and attend all mandatory EEO training.

III. TRAINING

A. Requirements

1. Managerial Employees.

All Managerial Employees will receive periodic sexual harassment training. The training will include information regarding what behaviors constitute sexual harassment, describe management's role and responsibility in maintaining a work environment free from harassment and discrimination, and outline the appropriate responses to complaints of sexual harassment.

2. Non-managerial Employees.

All Non-managerial Employees will receive periodic sexual harassment training. The training will include information regarding what behaviors constitute sexual harassment, as well as how to address and report incidents of sexual harassment.

3. New Employees.

Training for new employees will be provided within the first month of employment via materials contained in the entry on duty (EOD) package or the new employee orientation.

B. Responsibilities of the Office of General Counsel (OGC)

1. Training.

OGC will provide sexual harassment training to all employees as required in Part IIIA above.

2. Publication.

OGC will ensure that the following are posted to the OIG intranet:

- a. Office of the Inspector General Plan for the Prevention of Sexual Harassment
- b. Memorandum for All OIG Employees Regarding the OIG Plan for the Prevention of Sexual Harassment

3. Outreach.

Employees with questions about sexual harassment issues or this plan can call OGC at (202) 616-0646.

C. Responsibilities of Office of Human Resources

1. Annual Reminder.

OHR will provide OIG employees with an annual reminder of the documents posted to the OIG intranet, listed in III.B. above, via the M&P Weekly Bulletin or other appropriate mechanism

2. New Employee Orientation Package.

OHR will provide all new OIG employees with copies of the Memoranda listed in III.B. above as part of the EOD package.

3. Record-keeping.

OHR will maintain a record of all sexual harassment training received by each OIG employee.

4. Training Materials.

OHR will assist the OGC in identifying and purchasing appropriate training materials.

IV. COMPLAINTS

A. Reporting Incidents.

Employees who believe they have been harassed should tell the harasser to stop, and report such incidents immediately. Employees normally should contact their immediate supervisors or, if the immediate supervisor is unavailable or involved in the unacceptable behavior, the next level of management. Employees may also contact the OIG's Oversight and Review Division or the OIG's OHR with complaints of sexual harassment.

B. Investigating Incidents.

All allegations of sexual harassment by OIG employees will be forwarded to the Oversight and Review Division for review. Complainants will be informed of the progress and results of the review and any investigation or case arising from their complaints.

V. DISCIPLINE

The OIG Human Resources Officer will ensure the use of appropriate disciplinary measures in response to confirmed incidents of sexual harassment.



Office of Special Counsel

The Role of the U.S. Special Counsel

- Protecting Federal Whistleblowers
- Investigating and Prosecuting Prohibited Personnel Practices
- Receiving Whistleblower Disclosures
- Enforcing the Hatch Act
- Protecting Service Members' Reemployment Rights

What is the Office of Special Counsel?

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Under the Civil Service Reform Act and the Whistleblower Protection Act, the OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal or whistleblowing.

The OSC is responsible for facilitating disclosures of wrongdoing in the federal government. It also has jurisdiction under the Hatch Act to enforce restrictions on political activity by government employees. Finally, the OSC participates in enforcement of the Uniformed Services Employment and Reemployment Rights Act.

The OSC carries out its mission by:

- investigating allegations of prohibited personnel practices and other improper employment practices within its jurisdiction, and seeking any appropriate corrective or disciplinary action;
- providing an independent, secure channel for disclosure and resolution of wrongdoing in federal agencies;
- interpreting and enforcing Hatch Act provisions on permissible and impermissible political activity; and
- promoting greater understanding of the rights and responsibilities of government employees.
- enforcing the law that protects service members reemployment rights

INVESTIGATING AND PROSECUTING PROHIBITED PERSONNEL PRACTICES

What are "prohibited personnel practices?"

Prohibited personnel practices, including reprisal for whistleblowing, are defined by law at § 2302(b) of title 5 of the United States Code (U.S.C.). A personnel action (such as an appointment, promotion, reassignment, or suspension) may need to be involved for a prohibited personnel practice to occur. Generally stated, § 2302(b) provides that a federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

- 1) discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation;
- 2) solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
- 3) coerce the political activity of any person;
- 4) deceive or willfully obstruct anyone from competing for employment;
- 5) influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person;
- 6) give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;
- 7) engage in nepotism (i.e., hire, promote, or advocate the hiring or promotion of relatives);
- (8) engage in reprisal for whistleblowing-i.e., take, fail to take, or threaten to take or fail to take a personnel action against an employee or applicant for disclosing to the Special Counsel, or to an Inspector General or comparable agency official (or others, except when disclosure is barred by law, or by Executive Order to void harm to the national defense or foreign affairs) information which the employee or applicant reasonably believes evidences a violation of any law, rule or regulation; gross mismanagement; a gross waste of

funds; an abuse of authority; or a substantial and specific danger to public health or safety;

(9) take, fail to take, or threaten to take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;

(10) discriminate on the basis of off-duty conduct which does not adversely affect job performance;

(11) take or fail to take, recommend, or approve a personnel action, if taking or failing to take the action would violate a veterans' preference requirement; or

(12) take or fail to take a personnel action, if taking or failing to take the action would violate any law, rule, or regulation implementing or directly concerning merit system principles at 5 U.S.C. §2301.

Who can be protected by the OSC from prohibited personnel practices?

The OSC has jurisdiction over prohibited personnel practices committed against most employees or applicants for employment in Executive Branch agencies and the Government Printing Office, but not against employees of-

- the Central Intelligence Agency, Defense Intelligence Agency, National Security Agency, and certain other intelligence agencies excluded by the President;
- the General Accounting Office;
- the U.S. Postal Service and Postal Rate Commission;
- the Federal Bureau of Investigation; and
- government corporations (*Note, however, that employees and applicants in government corporations listed at 31 U.S.C. § 9101 are covered by statutory whistleblower protections.*)

How does the OSC handle a prohibited personnel practice complaint?

Complaints Examining Unit (CEU). The CEU receives complaints filed with the OSC. (Procedures for filing prohibited personnel practice and other complaints are described at p. 15). The unit analyzes all allegations of prohibited personnel

personnel practices (as well as allegations of other activities prohibited by civil service law, rule or regulation).

When necessary, a CEU examiner contacts the complainant to ensure that the examiner clearly understands the nature of and basis for each allegation. The examiner conducts further inquiry to the extent necessary to determine whether each allegation warrants additional investigation.

Persons who have submitted allegations to the CEU will receive:

- a letter acknowledging receipt of their complaint and identifying the staff member assigned to handle it, with information enclosed about how the complaint will be processed by the CEU; and
- a status report after 90 days, and every 60 days thereafter while the matter is active; and
- a letter advising that the matter has been referred to the OSC Investigation Division for further inquiry, with information enclosed about Investigation Division processes; or
- a preliminary letter, with a final opportunity for input when the CEU proposes to close a matter without remedial action or referral to the Investigation and Prosecution Division; or
- a letter advising that the OSC will take no further action because it lacks jurisdiction over the matter.

The OSC asks everyone who seeks an investigation of a possible prohibited personnel practice to select one of three consent statements explaining necessary communications between OSC and the agency involved. (Consent statements are shown at the OSC's Internet home page at www.osc.gov.)

Alternative Dispute Resolution (ADRI Unit) After CEU has completed its examination, OSC offers mediation, as an alternative to investigation, in selected prohibited personnel cases. Participation in the OSC mediation program is completely voluntary for both the complainant and the agency. If both parties agree to mediate their dispute, the OSC assigns a neutral third party - a mediator

-to facilitate a discussion between the parties to reach a mutually agreeable resolution to the complaint. For more information on mediation at the OSC, click on the Mediation Program link on the OSC Web site at www.osc.gov (under Forms and Publications), or request a Mediation Program brochure from the OSC ADR Unit.

Investigation and Prosecution Division (IPD). After a thorough initial examination, the CEU refers matters indicating a potentiality valid claim (under the laws enforced by the OSC) to OSC's Investigation and Prosecution Division Unit. This unit conducts investigations to review pertinent records and to interview complainants and witnesses with knowledge of the matters alleged.

Matters not resolved during the investigative phase will undergo legal review and analysis to determine whether the IPD inquiry has established a violation of law, rule or regulation and whether the matter warrants corrective action, disciplinary action or both.

Complainants' will continue to receive 60-day status notices while matters are pending in the division.

Can the OSC delay a personnel action pending investigation of the matter?

An individual may request that the Special Counsel seek to delay, or "stay," an adverse personnel action pending an OSC investigation. OSC will consider requesting a stay of a personnel action against an employee from an agency or from the U.S. Merit Systems Protection Board (MSPB) where: OSC has reasonable grounds to believe that a personnel action which was taken or will be taken constitutes a prohibited personnel practice and without a stay the employee will be subjected to removal; a suspension for more than 14 days; a reduction in grade; a significant reduction in pay; a geographic reassignment; the non-renewal of an appointment or other personnel action which the complainant demonstrates will result in a serious, immediate hardship or where there exists a substantial likelihood a personnel action was taken or is to be taken, as a result of a prohibited personnel practice or where Special Counsel, in his sole discretion, otherwise determines that it would be appropriate and consistent with OSC's statutory mission to request a stay from the MSPB. If the agency does not agree to a delay, the OSC may then ask the MSPB to stay the action. (The OSC cannot stay a personnel action on its own authority.)

How can the OSC remedy a prohibited personnel practice?

General. Current and former federal employees and applicants for federal employment may report suspected prohibited personnel practices to the OSC

(see p. 15 for details). The matter will be investigated, and if there is sufficient evidence to prove a violation, the OSC can seek corrective action, disciplinary action, or both. Alternatively, parties in selected cases may agree to mediate their dispute in order to reach a mutually agreeable resolution of the prohibited personnel practice complaint.

Corrective action. The OSC may enter into discussions with an agency at any stage of a pending matter in pursuit of a resolution acceptable to all parties. The OSC follows a policy of early and firm negotiation to obtain appropriate corrective action (and/or disciplinary action) for apparent violations. If an agency fails to remedy a prohibited personnel practice upon request by the OSC, corrective action may also be obtained through litigation before the MSPB. Such litigation begins with the filing of a petition by the OSC, alleging that there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is about to occur.

Corrective actions that can be ordered by the MSPB include job restoration, reversal of suspensions and other adverse actions, reimbursement of attorney's fees, back pay, and medical and other costs and damages.

How are allegations of whistleblower retaliation remedied?

The Whistleblower Protection Act also allows current or former federal employees and applicants for employment who allege that they were subjected to any personnel action because of whistleblowing to seek corrective action in an appeal to the MSPB. Such an appeal is known as an "individual right of action" (IRA).

By law, the employee or applicant must seek corrective action from the OSC before filing an IRA. The IRA may be filed

- after the OSC closes a matter in which reprisal for whistleblowing has been alleged; or if the OSC has not notified the complainant within 120 days of receiving an allegation of whistleblower reprisal that it will seek corrective action.

A federal employee or applicant for employment engages whistleblowing when the individual discloses to the Special Counsel or an Inspector General or comparable agency official (or to others, except when disclosure is barred by law, or by Executive Order to avoid harm to the national defense or foreign affairs) information which the individual reasonably believes evidences the following types of wrongdoing:

- a violation of law, rule, or regulation; or
- gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Procedures for filing an IRA are set forth in MSPB regulations at 5 C.F.R. Part 1209. (In considering an IRA, it should be noted that the MSPB may refuse to take jurisdiction over any matters not specifically raised before the OSC.)

Disciplinary action. The OSC may seek disciplinary action against any employee believed to be responsible for committing a prohibited personnel practice. The OSC begins a disciplinary action case by filing a complaint with the MSPB, charging an employee with the commission of a prohibited personnel practice, and seeking disciplinary action against that person. Rights of employees against whom the OSC seeks disciplinary action in these cases are set forth in MSPB regulations, at 5 C.F.R. Part 1201, Subpart D.

In the alternative, at any time during its investigation of a matter, the OSC may authorize the agency involved to take disciplinary action against an employee believed to be responsible for committing a prohibited personnel practice. (Pursuant to 5 U.S.C. § 1214(f), during any OSC investigation under title 5, an agency may not take disciplinary action against any employee for any alleged prohibited activity under investigation, or for any related activity, without approval from the OSC.)

Intervention. Pursuant to 5 U.S.C. § 1212(c), the Special Counsel may intervene as a matter of right, or otherwise participate in most proceedings before the MSPB. The Special Counsel may not intervene in certain proceedings (IRAs brought under 5 U.S.C. § 1221, or matters otherwise appealable to the MSPB under 5 U.S.C. § 7701) without the consent of the person initiating the Proceedings.

Can employees seek relief from the OSC for a prohibited personnel practice if they are covered by a collective bargaining agreement?

Pursuant to 5 U.S.C. § 7121(g), employees covered by a collective bargaining agreement must choose one of three avenues: an OSC complaint, an MSPB appeal, or a grievance under the collective bargaining agreement.

What is the OSC's policy about allegations of discrimination under § 2302(b)(1)?

Race. color. religion. sex. national origin. age. handicapping condition. The OSC is statutorily authorized to investigate allegations of discrimination based on race, color, religion, sex, national origin, age, or handicapping condition (see (1) under "What are prohibited personnel practices?", above). However, procedures for investigating such complaints have already been established in federal agencies and the Equal Employment Opportunity Commission (EEOC).

Therefore, to avoid duplicating those investigative processes, the OSC follows a general policy of deferring complaints involving discrimination to those agencies' procedures.

Marital status. political affiliation. Allegations of discrimination based on marital status, and political affiliation are not within the jurisdiction of the EEOC. Such allegations, however, may be prohibited personnel practices or other violations of law subject to investigation by the OSC.

Discrimination under § 2302(b)(10), for off-duty conduct, can also be investigated by OSC.

For example. Jack's employment is terminated because he attended a "Gay Pride" march; or he attended a "Pro-Life" event; or he attended an animal rights rally; or he attended a gun-owners' rights meeting.

What do I do if I believe my veteran's preference rights were violated?

You should file a complaint with U.S. Department of Labor, Veterans Employment and Training Service.

The Veterans Employment Opportunities Act of 1998 (VEOA), 5 U.S.C. § 3330 et seq., created a new avenue of administrative redress specifically for a preference eligible who alleges that a federal agency violated such individual's rights under any statute or regulation relating to a veterans' preference eligible.

Under the VEOA, in order to seek corrective action, a preference eligible is to file a written complaint with the U.S. Department of Labor, Veterans Employment and Training Service (VETS), *within 60 days* of the alleged violation. VEOA requires the Secretary of Labor, through VETS to investigate the complaint and, upon determining that a violation occurred, to attempt to resolve the complaint by making reasonable efforts to ensure that the agency complies with the statute or regulation relating to veterans' preference. If the Secretary is unable to resolve a complaint within 60 days, the Secretary is to provide notification of an unsuccessful effort to resolve the complaint to the complainant.

In light of the VEOA, OSC does not investigate allegations of violations veterans' preference rights for corrective action purposes. (We still investigate such allegations for possible disciplinary action, however.) Thus, you should file a complaint alleging a violation of a veterans' preference rights with VETS, not OSC

Additional information about VETS can be found at <http://www.dol.gov/dollvets>.

What other violations does the OSC have jurisdiction to investigate?

Pursuant to 5 U.S.C. § 1216, the OSC may also investigate and seek appropriate corrective and disciplinary action for--

- activities prohibited by any civil service law, rule, or regulation (including any activity relating to political intrusion in personnel decision making);
- arbitrary or capricious withholding of information under the Freedom of Information Act; and
- involvement by any employee in any prohibited discrimination found by a court or administrative authority to have occurred in the course of any personnel action. The OSC is also authorized by 38 U.S.C. § 4324 to investigate and litigate cases referred by the Department of Labor, involving the reemployment rights of veterans and reservists returning to the federal workplace after active duty.

Are federal employees required to cooperate with OSC investigations?

Federal employees are required by Civil Service Rule 5.4 to provide to the OSC any information, testimony, documents, and material, the disclosure of which is not otherwise prohibited by law or regulation, in investigations of matters under civil service law, rule, or regulation. The same rule requires federal agencies to make employees available to testify, and to provide pertinent records to the OSC.

Title 5 of the U.S. Code authorizes the OSC to issue subpoenas for documents and the attendance and testimony of witnesses. During an investigation, the OSC may require employees and others to testify under oath, sign written statements, or respond formally to written questions.

What legal responsibilities do federal agencies have to prevent prohibited personnel practices?

Section 2302(c) of title 5 requires federal agency heads, and officials with delegated authority for any aspect of personnel management, to:

- prevent prohibited personnel practices, including reprisal for whistleblowing;
- comply with and enforce civil service laws, rules and regulations; and
- ensure (in consultation with the OSC) that federal employees are informed of their rights and remedies. The OSC has developed easy-to-use information and training guide for use by agencies in carrying out the duty of informing employees of their rights and remedies title 5 .(see p. 19 for information on availability). On request, the OSC may also make its personnel available to assist in conducting such training.

RECEIVING WHISTLEBLOWER DISCLOSURES

.Who can use the OSC's whistleblower disclosure channel?

Current and former federal employees and applicants for employment can confidentially report wrongdoing in federal agencies to the OSC. The OSC serves as a secure channel that can be used to disclose a violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. Whistleblower disclosures the OSC must be made in writing {see p. 20 for contact information). Such information can be reported to the OSC without fear of reprisal, or disclosure of the source's identity without that person's consent.

How are whistleblower disclosures handled by the OSC?

The OSC is not authorized to investigate allegations reported through its whistleblower disclosure channel. However, the OSC can require the head of the agency concerned to investigate the matter if the OSC determines that there is a substantial likelihood that the information discloses a violation of any, law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. In these cases, the head of the agency is required to submit a report of the agency's findings to the OSC. By law, employees or applicants may review and comment on agency reports resulting from information disclosed by them to the OSC. Their comments, together with any comments or recommendations by the Special Counsel, are sent with the agency report to the President and appropriate congressional oversight committees. The agency report is also made available to the public, as required by law.

ADVISING ON AND ENFORCING THE HATCH ACT

What is the Hatch Act?

The Hatch Act governs political activity by government employees at the federal, state and local levels. Under amendments enacted by Congress in 1993, most federal and District of Columbia (D.C.) government employees are permitted {with significant limitationsdiscussed at pp. 11-14) to take an active part in partisan political management and campaigns. However, certain federal agencies and categories of employees continue to be prohibited from taking an active part in partisan political management and partisan campaigns {see p. 14).

The Hatch Act also restricts political activity by certain state or local government employees employed in connection with programs financed by federal funds. These employees are not permitted to coerce the political activities of others, or to be candidates for public office in partisan elections.

What is the OSC's role?

The OSC is authorized by law to provide Hatch Act advisory opinions. These opinions respond to questions from government employees and others about whether or not they may engage in specific political activities under the act.

The OSC also enforces Hatch Act provisions on permissible and impermissible political activity by government employees. It is the only agency authorized to prosecute violations of the act, which are adjudicated by the MSPB.

What restrictions apply to employees of the federal government and the District of Columbia?

Under the Hatch Act, as amended (5 U.S.C. §7321, et seq.), most federal and D.C. government employees (with certain exceptions noted at p.13) may take an active part in partisan political management and campaigns. They may:

- be candidates for public office in nonpartisan elections;
- register and vote as they choose;
- assist in voter registration drives;
- express opinions about candidates and issues;
- contribute money to political organizations;
- attend political fundraising functions;
- attend and be active at political rallies and meetings;
- join and be active members of political parties and clubs;
- sign nominating petitions;

- campaign for or against referendum questions, constitutional amendments, or municipal ordinances;
- campaign for or against candidates in partisan elections;
- make campaign speeches for candidates in partisan elections;
- distribute campaign literature in partisan elections; and
- hold office in political parties or clubs.

There continues to be important restrictions on employees' political activity. Whether on-duty or off-duty, employees may *not*:

- use their official authority or influence to interfere with or affect the result of an election;
- solicit, accept or receive political contributions from anyone (with a very narrow exception in certain circumstances for solicitations of other federal employees for contributions to federal labor organizations and certain other employee organizations);
- knowingly solicit or discourage political activity of anyone who has business before their agency;
- run for public office in a partisan political election.

Except for certain officials at the highest levels of government, employees may not engage in political activity while:

- on duty;
- in a government office;
- wearing insignia identifying their office or position; or using a government vehicle.

Employees of the following agencies are prohibited from engaging in partisan political activity: Federal Election Commission; Federal Bureau of Investigation; Secret Service; Central Intelligence Agency; National Security Council; National Security Agency; Defense Intelligence Agency; Merit Systems Protection Board; Office of Special Counsel; Office of Criminal Investigation of the Internal Revenue Service; Office of

Investigative Programs of the United States Customs Service; Office of Law Enforcement of the Bureau of Alcohol, Tobacco and Firearm Criminal Division of the Department of Justice; and the National Imagery and Mapping Agency.

The following categories of employees are also prohibited from engaging in partisan political activity: career members of the Senior Executive Service, Administrative Law Judges, and members of Contract Appeals Board

If the MSPB finds that a federal or D.C. government employee has violated the Hatch Act, what penalties may the Special Counsel request?

The Special Counsel may ask the MSPB to impose any penalty ranging from a 30-day suspension without pay to removal from federal service.

What restrictions apply to state and local government employees? What restrictions apply to state and local government employees?

Pursuant to 5 U.S.C. § 1501, et seq., persons principally employed by state or local executive agencies in connection with programs wholly or partly financed by federal funds may *not*:

- use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- Directly or indirectly coerce, attempt to coerce, command, or advise a state or local employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- be candidates for public office in partisan elections.

If the MSPB finds that a state or local government employee has violated the Hatch Act, what penalties may the Special Counsel request?

The Special Counsel may ask the MSPB to order the withholding of federal funds from a state local agency if: the agency has failed to remove an employee found by the MSPB to have engaged in prohibited activity or;

- the agency has failed to remove an employee found by the MSPB to have engaged in prohibited activity or;
- after removal, such employee is re-employed within 18 months by a state or local agency in the same state

Who may file a Hatch Act complaint with the OSC?

Anyone who believes that a violation of the Hatch Act has occurred may file a complaint (see below for details). The OSC will investigate and, if warranted, prosecute the offender for violating the law.

What is the Uniform Services Employment and Reemployment Rights Act?

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is the federal law that protects the employment and reemployment rights of National Guard, Armed Forces Reserve, and other uniformed service members who leave their civilian jobs to perform uniformed service. USERRA also proscribes discrimination on the basis of past, current, or future uniformed service. OSC's USERRA Unit prosecutes meritorious USERRA claims brought against federal agencies. Pursuant to a demonstration project that operates until September 30, 2007, the USERRA Unit also investigates certain federal sector USERRA cases.

HOW TO FILE A PROHIBITED PERSONNEL PRACTICE, HATCH ACT, OR OTHER COMPLAINT

Individuals may report suspected unlawful activity (including prohibited personnel practices and Hatch Act violations) to the OSC without being represented by an attorney. Complaints of such activities should be submitted to the OSC in writing. Although the use of an OSC complaint form is not required, one will be provided upon request. The form can also be found at the OSC home page on the Internet (see p. 18 for site address).

The following information should be included in the written submission:

- the full name and address of the person requesting OSC action, and a phone number at which the person may be contacted;
- the name and address or location of the government agency involved, including the specific office or activity that is the subject of the request for assistance;
- the job title, pay grade and employment status of the employee(s) affected by the allegedly prohibited action(s);
- an indication whether the information submitted to the OSC involves-
 - a prohibited personnel practice or other violation of civil service law, rule or regulation;
 - prohibited political activity under the Hatch Act; or
 - a violation of any other law, rule or regulation under the OSC's jurisdiction.
- a brief and accurate statement of the facts supporting the report of a prohibited activity, including-
 - a concise description of the events that took place, with dates;
 - the name(s) of the person(s) involved, and anyone with relevant information; and
 - any pertinent documentary evidence or information currently in possession of the person requesting OSC action;
- for reports of a *prohibited personnel practice*-
 - a description, with date(s), of the specific personnel action(s) taken or proposed, if any;
 - a description, with date(s), of any whistleblower disclosure by the complainant-i.e., a disclosure of a violation of law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety involved (limited to allegations of reprisal for whistleblower disclosures);
 - whether the complainant is covered by a collective bargaining agreement; and

- whether the matter reported has been appealed, grieved or reported under any other procedure, and if so, what action or actions have been taken.

To expedite investigations, persons filing complaints with the OSC are encouraged to respond promptly to requests for additional information. The OSC depends upon complete and accurate information to determine if a matter falls within its authority or if further action is appropriate.

All complaints and requests for appropriate forms should be directed to the OSC Officer of the Week at:

Complaints Examining Unit
U.S. Office of Special Counsel
1730 M Street, NW (Suite 218) Washington, DC 20036-4505
Tel: (800) 872-9855 (TOO-equipped) (202) 254-3670 (TOO-equipped)
Fax: (202) 653-0015

HOW TO MAKE A WHISTLEBLOWER DISCLOSURE

Disclosures of information evidencing violations of any law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety may be reported in confidence to:

Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW (Suite
218) Washington, DC
20036-4505
Tel: (800) 572-2249
(202) 254-3640
Fax: (202) 653-5151

HOW TO OBTAIN A HATCH ACT ADVISORY OPINION

Individuals may request advice about permissible and impermissible political activity under the Hatch Act, and receive an oral or written opinion, as appropriate, from the OSC. Requests may be submitted to:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, NW (Suite 218)
Washington, DC 20036-4505
Tel: {800} 85-HATCH [(800) 854-
2824] (202) 254-3650
Fax: (202) 653-5151
E-mail: hatchact@osc.gov

HOW TO REPORT A USERRA VIOLATION

USERRA Unit
U.S. Office of Special Counsel
1730 M Street, NW (Suite 218)
Washington, DC 20036-4505
Tel: (202) 254-3620
Fax: (202)653-5151
E-mail: userra@osc.gov

HOW TO OBTAIN OSC PUBLICATIONS

On the Internet (at www.osc.gov):

Forms

- Complaint Form
- Whistleblower Disclosure Form

- How Your Complaint Will Be Processed By the Office of Special Counsel
- What To Expect Now That Your Complaint Has Been Referred For Further Investigation
- What To Expect Now That Your Case Has Been Referred To OSC's Prosecution Division
- Policy Statement Concerning the Disclosure of Information Regarding Personnel Practice Complaints
- Policy Statement on Disclosure and Use of Information From OSC Files

Brochures

- The Role of the U.S. Office of Special Counsel

- Employee Rights and Remedies Under 5 U.S.C., Chapters 12 and 23 (Training Guide)
- Political Activity and the Federal Employee
- Political Activity and the State and Local Employee

Through the U.S. Government Printing Office (GPO) :

- The Role of the U.S. Office of Special Counsel (GPO# 028-004-00105-9)
- Employee Rights and Remedies Under 5 U.S.C., Chapters 12 and 23 (GPO # 062-000-00050-3)
- Political Activity and the Federal Employee (GPO #062-000-00048-1)
- Political Activity and the State and Local Employee (GPO #062-000-00049-0)

OSC ONLINE

Further information about the OSC is available on the agency's Internet home page. In addition to OSC forms and publications, the site includes a link to the OSC e-mail address for Hatch Act advisory opinions. The full address for the home page is: <http://www.osc.gov>.

HOW TO REQUEST OSC SPEAKERS

Requests for OSC speakers at training sessions, conferences, and similar events should be sent to:

Outreach Specialist
U.S. Office of Special Counsel
1730 M Street, NW (Suite 218)
Washington, DC 20036-4505
Tel: (202) 254-3600
Fax: (202) 653-5161

OSC PHONE NUMBERS TO NOTE

Complaints Examining Unit	(202) 254-3670 (TDD-equipped)
(CEU): Toll-Free:	(800) 872-9855 (TDD-equipped)
Hatch Act (HA) Unit: HA (Toll- Free):	(202) 254-3650 (800) 85-HATCH (800) 854-2824
Disclosure Hotline (Toll-Free)	(202) 254-3640 (800) 572- 2249
USERRA Unit	(202) 254-3620

OSC FIELD OFFICES

Dallas Field Office
525 Griffin Street, Room 824, Box# 103
Dallas, TX 75202
(214)-747-1519

San Francisco Bay Area Field Office
1301 Clay Street (Suite 1220N)
Oakland, CA 94612-5217
(510)-637-3460

Detroit Field Office
477 Michigan Ave (Suite2340)
Detroit, MI 48226
(313) 226-4496

QUESTIONS ABOUT OSC?

Call Customer Service Unit (CSU):
(202) 254-3600

This pamphlet is provided to the public as a general guide. It is not intended to create any rights, benefits or privileges, and should not be considered a regulatory or other legal authority.

(Revised 01/06}

Whistleblower Retaliation

-5U.S.C. 2302 (b)(8)- THE U.S. OFFICE OF SPECIAL COUNSEL

What is whistleblower retaliation?

A federal employee authorized to take, direct others to take, recommend, or approve any personnel action may not take, fail to take, or threaten to take any personnel action against an employee because of protected whistleblowing.

EXAMPLE: A supervisor directs the geographic reassignment of an employee because the employee reported safety violations to senior agency officials.

Protected whistleblowing is defined as disclosing information that the discloser reasonably believes evidences:

1. a violation of law, rule, or regulation;
2. gross mismanagement;
3. gross waste of funds;
4. an abuse of authority; or
5. a substantial and specific danger to public health or safety.

This section also prohibits retaliation against government scientists who challenge censorship or make disclosures concerning the integrity of the scientific process if the censorship will cause one of the five types of misconduct described above.

What can you do if you believe whistleblower retaliation has occurred?

If you believe that you have been subject to retaliation for protected whistleblowing you can file a complaint with the U.S. Office of Special Counsel (OSC). OSC is an independent agency that investigates and prosecutes allegations of prohibited personnel practices (PPP) by federal employees. OSC has the authority to investigate PPPs, including allegations of whistleblower retaliation, and may seek corrective or disciplinary action when warranted.

Office of Special
Counsel
1730 M Street,
N.W., Suite 218
|Washington, D.C.
20036
Tel: (202) 254-3600 | Fax:
(202) 254-3711 | TTY: 1-800-
877-8339
www.osc.gov